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IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

JAMES ROBERT BARKACS, Petitioner, **v.** **D. ADAMS, Warden,** Respondent.	07cv2139 JAH (WMc) **EX PARTE REQUEST FOR ENLARGEMENT OF TIME TO FILE A RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS; DECLARATION OF DOUGLAS P. DANZIG; PROPOSED ORDER**

RESPONDENT, D. Adams, Warden of California State Prison, Corcoran, California, by and through counsel Edmund G. Brown Jr, Attorney General of the State of California, and Douglas P. Danzig, Deputy Attorney General, makes this request for a 50-day enlargement of time, to March 4, 2008, in which to file a response to Petitioner's "Petition For Writ Of Habeas Corpus Under 28 U.S.C. § 2254 By A Person In State Custody" (Petition).

A motion to dismiss was due no later than December 31, 2007, and an answer to the Petition is due no later than January 14, 2008. An enlargement of time to file a response is requested for the reasons set forth in the accompanying declaration of counsel.

CONCLUSION

For the foregoing reasons, Respondent respectfully requests this Court grant the enlargement of time.

Dated: January 11, 2008

Respectfully submitted,

EDMUND G. BROWN JR.
Attorney General of the State of California

DANE R. GILLETTE
Chief Assistant Attorney General

GARY W. SCHONS
Senior Assistant Attorney General

KEVIN VIENNA
Supervising Deputy Attorney General

s/Douglas P. Danzig

DOUGLAS P. DANZIG
Deputy Attorney General
Attorneys for Respondent

DPD:dp
70111806.wpd
SD2007802999

DECLARATION OF DOUGLAS P. DANZIG

Douglas P. Danzig hereby declares:

I am the Deputy Attorney General assigned to prepare the pleadings in the case of *Barkacs v. Adams*, civil number 07cv2139-JAH (WMc). A preliminary review of the case indicates an answer, rather than a motion to dismiss, will be required.

The case was originally assigned to another deputy, but reassigned to me on December 3, 2007, because the other deputy retired. At the time the case was reassigned, I already had a full load of cases. Since the matter was assigned to me, I have filed responses in six federal habeas cases and an answering brief in a federal habeas appeal.

In addition to the instant matter, I am currently working on answering briefs in two federal habeas appeals, and responses in five federal habeas cases. The orders to respond in three of the federal habeas cases and one of the appeals were issued prior to the order to respond in the instant case. In addition, on January 7, 2008, the California Supreme Court ordered me to respond to a motion in one of my death-penalty cases, and it is this office's policy to give priority to capital matters. Consequently, I have had to cease work on all my other cases, so that I can prepare the response in the death-penalty matter.

I expect to finish drafting the response in the death penalty case and the brief in the federal habeas appeal, within the next 21 days. I expect finish the responses in the three federal habeas cases filed prior to the instant matter, within 21 days of completing the death-penalty pleading and the federal appeal brief. At that time I will immediately begin work on the answer in the instant case, which I estimate will take 7 days to complete and file. Accordingly, I am asking for a 50-day extension of time to file a response.

I hereby declare under penalty of perjury that the foregoing statements are true and correct.

Executed this 11th day of January, 2008, at San Diego, California.

s/Douglas P. Danzig

DOUGLAS P. DANZIG
Deputy Attorney General

DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **James Robert Barkacs v. D. Adams, Warden**

No.: **07cv2139 JAH (WMc)**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter; my business address is 110 West A Street, Suite 1100, P.O. Box 85266, San Diego, CA 92186-5266.

On January 11, 2008, I served the attached **EX PARTE REQUEST FOR AN ENLARGEMENT OF TIME TO FILE A RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS; DECLARATION OF DOUGLAS P. DANZIG; PROPOSED ORDER** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Mail at San Diego, California, addressed as follows:

James Robert Barkacs
V-75306
P.O. Box 3476
Corcoran, CA 93212

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on January 11, 2008, at San Diego, California.

D. Perez	[signature]
Declarant	Signature

70111808.wpd